

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFERY GOODWIN,)	CASE NO. 1: 15 CV 407
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>MAGISTRATE'S REPORT AND</u>
)	<u>RECOMMENDATION</u>
DAVID CARROLL,)	
)	
Respondent.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Nancy Vecchiarelli. The Report and Recommendation (ECF # 9), issued on December 9, 2015, is hereby ADOPTED by this Court. Petitioner filed this action requesting a writ of habeas corpus pursuant to 28 U.S.C. §2254 on March 3, 2015. At the time that he filed his Petition, Petitioner was in the custody of the City of Cleveland pursuant to journal entry of sentence in the case of State of Ohio/City of Cleveland v. Goodwind, Case No. 2014 TRC 35703 (Cleveland Mun. Ct. Aug. 25, 2014). The City Moved to dismiss the Petition on the basis that Petitioner is no longer in custody. (ECF #7). Petitioner did not file a response to the City's Motion to Dismiss the Petition.

The Magistrate Judge recommends that the City's Motion to Dismiss be granted and that the Petition be dismissed. The Petitioner did not file any objections to the Report and Recommendation, nonetheless, the Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999). The Magistrate's Report and Recommendation fully and correctly addresses all of the arguments

raised by the parties, and properly and justly analyzes the applicable law. This Court, therefore, adopts the Magistrate's Report in its entirety. The Respondent's Motion to Dismiss (ECF #7) is GRANTED and the Petition is DISMISSED. Further, for the reasons stated in the Magistrate Judge's Report and Recommendation, a reasonable jurist could not conclude that dismissal of the Petition is in error or that Petitioner should be permitted to proceed further. Accordingly, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b). IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: March 15, 2016